

# HOUSE . . . . . No. 1190

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By Mr. Hynes of Marshfield, petition of Frank M. Hynes for legislation to establish a financing plan for the public schools of the Commonwealth. Education.

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## The Commonwealth of Massachusetts

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In the Year Two Thousand and Five.

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### AN ACT RELATIVE TO THE STATE'S RESPONSIBILITY TO THE PUBLIC SCHOOLS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1     *Whereas*, Part 11, C.5, Section \_\_\_\_ of the Constitution of the  
2     Commonwealth of Massachusetts states “it shall be the duty of  
3     legislatures and magistrates, in all future periods of the Common-  
4     wealth, to cherish ..... the public schools ....., and;

5     *Whereas*, the Supreme Judicial Court of the Commonwealth of  
6     Massachusetts in its decision of June 15, 1993; “McDuffy vs. Sec-  
7     retary of the Executive Office of Education” stated, that the  
8     ‘Massachusetts Constitution imposes an enforceable duty on the  
9     Magistrates and Legislatures of this Commonwealth to provide  
10    education in the public schools for the children there enrolled,  
11    whether they be rich or poor and without regard to the fiscal  
12    capacity of the community or district in which such children live  
13    ..... and that it is the responsibility of the Commonwealth to take  
14    such steps as may be required ..... to devise a plan and sources of  
15    funds to meet this constitutional mandate’ ..... .

16    The Committee on Education and Committee on Ways and  
17    Means are hereby authorized and directed to establish a state  
18    financing plan for the public schools which shall require that no  
19    less than 25% of each school district’s “foundation budget”, as  
20    defined by Chapter 71 of the Acts of 1993 and subsequent defini-  
21    tions, shall be paid from the Treasury of the Commonwealth and  
22    appropriated in each fiscal year. Said plan shall be in effect for the

23 fiscal year 2007. Thereafter said plan shall require that in each  
24 subsequent year the state's share of each school district's founda-  
25 tion budget shall rise by 5% so that by the year 2014 each school's  
26 foundation budget shall be financed by no less than 50% in state  
27 financial assistance.